

REMARKS

Upon entry of the present amendment, claims 1, 18, and 24 will have been amended. In addition, new dependent claims 28-41 have been submitted for consideration by the Examiner.

Initially, Applicants would like to thank the Examiner for his indication that the drawings filed on July 29, 2003 have been accepted.

On page 1 of the outstanding Official Action, the Examiner indicated (by virtue of checking box No. 9) that the specification is objected to by the Examiner. However, the Examiner does not elaborate on his objections to the specification in the Official Action. Applicants note that in the Official Action of June 23, 2006, the Examiner indicated that some previous specification objections to the specification have been withdrawn as a result of Applicant's Response of April 17, 2006 [emphasis added]. Applicants are unclear as to whether the Examiner's use of the term some denotes all or less than all, particularly since no specific objections have been indicated by the Examiner in the outstanding Official Action. Accordingly, Applicants respectfully request that the Examiner identify any objections to the specification that he may have or remove the indication that the specification is objected to, in the next Official Action.

In the outstanding Official Action, the Examiner rejected claims 1 and 9 under 35 U.S.C. § 103(a) as being unpatentable over AKINPELU et al. (U.S. Patent No. 5,661,792) in view of BOUGHMAN et al. (U.S. Patent No. 6,570,973). The Examiner also rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over AKINPELU

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et al. in view of BOUGHMAN et al., further in view of COCHRANE et al. (U.S. Patent No. 6,496,828). The Examiner also rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over AKINPELU et al. in view of BOUGHMAN et al., further in view of KUNG (U.S. Patent No. 5,987,452). The Examiner also rejected claims 10, 15, 17, 18, 21, and 24-26 under 35 U.S.C. § 103(a) in view of AKINPELU et al. in view of COCHRANE et al., further in view of KUNG. The Examiner also rejected claim 23 under 35 U.S.C. § 103(a) as being unpatentable over AKINPELU et al. in view of COCHRANE et al. in view of KUNG, further in view of ZEBRYK (U.S. Patent No. 4,975,942).

Applicants have amended claim 1 to include a recitation of receiving a request in a first format...[and] sending a request in a second format. AKINPELU et al. fails to teach receiving a request in a first format from a sender for an identity of the caller's local service provider...and sending a request in a second format to an LNP database, based on a telephone number of the caller, to determine which of a plurality of databases to query. Thus, Applicants submit that AKINPELU et al. is deficient in view of the combination of features recited in claim 1. Further, BOUGHMAN et al. fails to compensate for the deficiencies of AKINPELU et al.

Claim 1 also recites, *inter alia*, that the interexchange carrier uses the notification to decide whether to connect the suspended call to the called party, which the Examiner correctly acknowledged on page 7 of the outstanding Official Action that AKINPELU et al. fails to teach. The Examiner relied upon BOUGHMAN et al. for a teaching of this

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feature. However, Applicants submit that the disclosure of BOUGHMAN et al. is deficient in this regard. BOUGHMAN et al. discloses that a return SS7 message is sent back to MSC 36 from the IN network element to indicate if the call is a toll call 53 or a non-toll call 52. If the call is a non-toll call 52, the call may be automatically completed (col. 7, lines 10-14). Thus, the message of BOUGHMAN et al. is unrelated to identifying information of the identified local service provider of the caller and whether an agreement exists between the identified local service provider and the interexchange carrier, as recited in claim 1. Thus, Applicants submit that BOUGHMAN et al. is deficient and fails to compensate for the deficiencies of AKINPELU et al.

With respect to claims 10 and 25, Applicants submit that AKINPELU et al. fails to disclose monitoring integrated service digital network user part signaling traffic of a carrier for initial address messages, as recited in claims 10 and 25. The portions of AKINPELU et al. upon which the Examiner relies (i.e., col. 3, lines 34-44 and col. 4, lines 28-59) for a teaching of monitoring integrated service digital network user part signaling traffic of a carrier for initial address messages appear to relate to routing procedures and carrier determination. However, AKINPELU et al. fails to mention monitoring integrated service digital network user part (ISUP) signaling traffic of a carrier for initial address messages (IAMs), much less ISUP signaling traffic or IAMs. Thus, Applicants submit that AKINPELU et al. is deficient. Further, neither COCHRANE et al. nor KUNG compensate for the deficiencies of AKINPELU et al.

With respect to claim 18, Applicants submit that AKINPELU et al. fails to disclose

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a gateway comprising a plurality of platforms configured to dynamically load share requests, as recited in claim 18. AKINPELU et al. discloses a national database that can be concentrated or distributed and can be shared among a plurality of interexchange carriers since it is accessed by data links from the switches that use the data of the database (col. 3, lines 23-34). However, the mere concentration or distribution of a database that can be shared does not indicate nor imply the dynamic load sharing of requests. AKINPELU et al. fails to disclose the manner in which requests are handled by its concentrated or distributed database, and clearly does not disclose load sharing, much less dynamic load sharing. Exemplary reasons for the dynamic load sharing of requests include avoiding the overloading of a particular platform, and to accommodate the handling of additional requests in the event of a compromise at a particular platform. AKINPELU et al. is silent as to eventualities such as these. Clearly, the concentrated or distributed database of AKINPENLU et al. does not include, nor was it intended to include, dynamic load sharing of requests. Applicants submit that AKINPELU et al. is deficient in view of the recited features of claim 18 and respectfully request the Examiner to reconsider his rejection as to claim 18 or otherwise explain his position that AKINPELU et al. discloses a gateway comprising a plurality of platforms configured to dynamically load share requests.

With regard to claims 10, 15, 17, 18, 21, 22, and 24-26, Applicants maintain their position that the Examiner has improperly combined AKINPELU et al. with COCHRANE et al. and with KUNG. Nothing in AKINPELU et al. suggests that the SQL-based

database querying methods of COCHRANE et al. and KUNG should be combined with the system of AKINPELU et al. A reading of AKINPELU et al. COCHRANE et al. and KUNG, without the benefit of impermissible hindsight afforded by the claimed invention, does not find a suggestion for the combination of the documents.

Even if AKINPELU et al. could be combined with COCHRANE et al. or KUNG, which Applicants dispute, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ 2d 1430 (Fed. Cir. 1990). AKINPELU et al. fails, in both instances, to suggest such a desirability.

With regard to claim 23, Applicants note that the Examiner correctly indicated that AKINPELU et al. as modified by COCHRANE et al. and KUNG fails to teach that the request is received after the telephone call has been disconnected (Official Action, page 19). The Examiner, however, relied upon ZEBRYK for a teaching of this feature, relying upon col. 3, lines 15-39. ZEBRYK appears to disclose the transmission of batches of transaction records (col. 3, lines 15-39) to a host computer and generating user billing information at the host computer. Merely because ZEBRYK may transmit batch records after a telephone call has been disconnected does not indicate that a request is made, much less a request for an identification of the local service provider of a caller, as recited in claim 18 (from which claim 23 depends). Even assuming that ZEBRYK makes a request after a telephone call has been disconnected, is it the same request as that which is recited in the present claims? The passage of ZEBRYK upon

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which the Examiner relies does not indicate that a request is being made for an identification of a local service provider. Thus, Applicants submit that ZEBRYK is also deficient in view of the recited features of claim 23 and that the Examiner has improperly combined AKINPELU et al. with COCHRANE et al., KUNG, and ZEBRYK.

Applicants note that they have not acquiesced in the propriety of the Examiner's rejections, but have amended the claims solely in order to expedite prosecution and to enhance clarity.

The features of claims 1, 10, 18, and 25 are distinct from AKINPELU et al. Thus, AKINPELU et al. is submitted to be deficient in view of the recitations of the claims. Further, none of the other references cited by the Examiner, either alone or in any proper combination, supply the deficiencies of AKINPELU et al.

Additionally, Applicants have submitted new dependent claims 28-41 for consideration by the Examiner. New claims 28-41 add no prohibited new matter and recite features not taught by the prior art. Support for claims 28-30 may be found, for example, at paragraphs 0026 and 0033-0037 of the specification of the present application. Support for claims 31-32 and 38-39 may be found, for example, at paragraphs 0025, 0029, 0036, 0043, and 0044 of the specification of the present application. Support for claim 33 may be found, for example, at paragraphs 0030-0037 of the specification of the present application. Support for claims 34 and 35 may be found, for example, at paragraphs 0026-0039 of the specification of the present application. Support for claim 36 may be found, for example, at paragraphs 0025-0026

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and 0028 of the specification of the present application. Support for claim 37 may be found, for example, at paragraph 0044 of the specification of the present application. Support for claims 40 and 41 may be found, for example, at paragraph 0044 of the specification of the present application.

Thus, Applicants submit that claims 1, 10, 18, and 25 are in condition for allowance. With regard to dependent claims 2, 3, 9, 15, 17, 21-24, 26, and 28-41, Applicants assert that they are allowable on their own merit, in addition to being allowable by depending either directly or indirectly from independent claims 1, 10, 18, or 25, which Applicants have shown to be allowable.

Thus, it is respectfully submitted that each of the claims in the present application are clearly patentable over the references cited by the Examiner, and an indication to such effect is respectfully requested, in due course.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections of the claims, as well as an indication of the allowability of each of the claims in view of the present remarks.

SUMMARY AND CONCLUSION

Applicants have made sincere effort to place the present application in condition for allowance and believe that they have done so.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

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